

Notice of Allowability

Application No.

10/724,432

Examiner

Charles E. Cooley

Applicant(s)

GORHAM ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the responses filed 19 APR 2006 and 28 APR 2006.
2. ☒ The allowed claim(s) is/are 1 and 13-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Charles Lemaire on 9 MAY 2006.

3. The application has been amended as follows:

Amendments to the Claims:

26. (Currently amended) An apparatus comprising:

means for rotationally centrifuging liquid about an axis in a unidirectional parallel concentric flow in an upward direction through a plurality of substantially vertical nested concentric cylindrical passageways from openings at a bottom end of the nested cylinders to openings at an opposite top end of the nested cylinders, ~~wherein~~ said means including a rotor assembly with a first cylinder set and a second cylinder set that are both supported for rotation and supported for rotation relative to each other.

27. (Currently amended) The apparatus of claim 26, ~~wherein the means for rotationally centrifuging liquid include a first set and a second set of nested cylinders,~~ each said set of nested cylinders ~~having~~ has one or more concentric cylinders, each

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cylinder having means for removing accumulated waste sludge at the bottom end and means for removing clarified fluid at the top end, the cylinders defining the plurality of nested concentric cylindrical passageways configured for parallel unidirectional flow of the liquid.

28. (Currently amended) The apparatus of claim 26 27, wherein the means for removing accumulated waste sludge ~~further~~ include:

~~one or more~~ said openings at the bottom end of each cylinder; and

means for selectively braking the first set of concentric cylinders to loosen the sludge from the cylinders in order to have the sludge fall through the one or more openings at the bottom end of each cylinder.

29. (Currently amended) The apparatus of claim 27, further comprising means for rotating the first set and the second set of nested concentric cylinders about the axis; and means for rotatably connecting the plurality of concentric cylinders to the axis means for rotating.

32. (Currently amended) The apparatus of claim 26, wherein ~~the means for rotationally centrifuging liquid include a first set and a second set of nested cylinders,~~ each said set of nested cylinders ~~having~~ has one or more concentric cylinders such that every other cylinder is from one set, each set having means for removing accumulated waste sludge at its bottom end, the sets of cylinders defining the plurality of nested

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concentric cylindrical passageways configured for parallel unidirectional flow of the liquid.

* * *

4. The above changes were made to revise the wording of the "means" claims to improve the clarity of the claim language and to ensure all terms have proper antecedent basis. These changes were not made in view of any prior art or patentability issues.

5. The following is an Examiner's Statement of Reasons for Allowance:

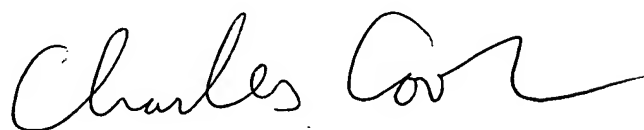
The claims are deemed allowable over the prior art of record in view of Applicant's remarks filed 19 APR 2006 and because the amended claims filed with the RCE recite subject matter deemed by the examiner to define over the prior art of record (see the interview summary of 14 FEB 2006)

6. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. All official facsimiles should be transmitted to the centralized fax receiving number 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Charles Cooley", with a stylized flourish at the end.

Charles E. Cooley
Primary Examiner
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12 May 2006